



City of Oakland Meeting Minutes

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

Concurrent Meeting of the Oakland Redevelopment Agency/City Council 1 Frank H. Ogawa Plaza, Council Chambers, 3rd Floor

City of Oakland Website: <http://www.oaklandnet.com>

Tuesday, October 02, 2007

6:00 PM

Oakland City Hall, 3rd Floor

1 Pledge of Allegiance

Adopted

A meeting of the Joint Oakland Redevelopment Agency and City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 6:16pm.

2 Roll Call / ORA & Council

ORA\Councilmember Present: 8 - Councilmember Chang, Councilmember Nadel, Councilmember Kernighan, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

3 Open Forum / Citizens Comments
(Time Available: 15 minutes)

The following individual(s) spoke under Open Forum:

- Marcelina Sanchez
- Magdalena Sanchez
- Joel Garcia
- Alicia Melero
- Susan McDonough
- Lucille Landoner
- Marcus Gary
- Hector Reyna

- 4 Modifications to the Consent Calendar, and requests from Councilmember(s) to pull an item from the Consent Calendar, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.
- Agency/Councilmember Chang made a motion, seconded by Agency/Councilmember De La Fuente, to withdraw item 10.12CC from the Consent Calendar and reschedule the item to the next City Council Meeting as a Non-Consent item.*
- Agency/Councilmember Nadel made a motion, seconded by Agency/Councilmember Nadel, to withdraw item 10.15CC from the Consent Calendar and reschedule the item to the next City Council Meeting as a Non-Consent item.*
- Item 10.22CC was withdrawn by the Legislative Analyst with no return date.*
- 5 Motion for 'Members' Requests for Reconsideration' of an Action taken at the preceding Council Meeting, shall be scheduled for the next-succeeding City Council meeting as a non-consent item. (Motion Maker must have voted on prevailing side)
- There was no action necessary for this time.*
- 6 Requests from Councilmember(s) to schedule an Action Item considered by Committee but not forwarded to Council, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.
- There was no action necessary for this time.*
- 7 Approval of the Draft Minutes from the Special and Regular Concurrent Meetings of the Oakland Redevelopment Agency/City Council held on July 17, 2007 and September 18, 2007
- A motion was made by Councilmember Reid, seconded by Councilmember Chang, to *Approve as Submitted. The motion carried by the following vote:**
- Votes:** ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

8. PRESENTATION OF CEREMONIAL MATTERS

- 8.1 Subject: Reese Erlich - Recognition
From: Councilmember Jane Brunner
Recommendation: Adopt A Resolution Declaring October 2, 2007 "Reese Erlich Day" In The City Of Oakland
[07-0622](#)

A motion was made by Councilmember Brunner, seconded by Councilmember Quan, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

- 8.2 Subject: Domestic Violence Awareness Month
From: Councilmember Jean Quan
Recommendation: Adopt A Resolution Proclaiming October 2007 Domestic Violence Awareness Month
[07-0648](#)

A motion was made by Councilmember Quan, seconded by Councilmember Nadel, that this matter be Adopted as Amended. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid
as attached hereto.

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

Agency/Councilmember Nadel took a point of personal privilege and requested that the meeting be adjourned in memory of Willie Tatmon III and Jane Jackson.

Agency/Councilmember Kernighan took a point of personal privilege and requested that the meeting be adjourned in memory of Jane Jackson.

Agency/Councilmember Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Edwin Thomas, Sr.

Agency/Councilmember Quan took a point of personal privilege and requested that the meeting be adjourned in memory of John Bruno Freeman.

Agency/Councilmember Chang took a point of personal privilege and requested that the meeting be adjourned in memory of Mary Lucille Jasper.

10. CONSENT CALENDAR (CC) ITEMS:

Agency/Councilmember Quan made a motion seconded by Agency/Councilmember Reid to approve an urgency finding pursuant to Section 2.20.080 E(2) regarding Items 10:20CC and 10:21CC, that there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action on 10.20CC is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting and action on 10.21CC relates to federal or state legislation.

10.1-CC Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The AIDS Epidemic
[07-0634](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

10.2-CC Subject: Medical Cannabis Health Emergency
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In The City Of Oakland
[07-0635](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

10.3-CC Subject: Travel Authorization - Councilmember Larry Reid
From: Councilmember Larry Reid
Recommendation: Adopt A Resolution Authorizing Councilmember Larry E. Reid To Travel To New Orleans, Louisiana To Attend The National League Of Cities Congress Of Cities And Exposition November 12-18, 2007
[07-0614](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

10.4-CC Subject: Priority Project Funds - District Seven
From: Councilmember Larry Reid
Recommendation: Adopt A Resolution Authorizing An Immediate Grant Of \$10,000.00 From Councilmember Larry E. Reid's Priority Project Funds To E.C. Reems Community Services For Operating Expenses
[07-0615](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

10.5-CC Subject: Priority Project Funds - District Seven
From: Councilmember Larry Reid
Recommendation: Adopt A Resolution Authorizing An Immediate Grant Of \$5,000.00 From Councilmember Larry E. Reid's Priority Project Funds To Oakland Turfgrass Education Initiative For Operating Expenses
[07-0616](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

10.6-CC Subject: Priority Project Funds - District Seven
From: Councilmember Larry Reid
Recommendation: Adopt A Resolution Authorizing An Immediate Grant Of \$10,000.00 From Councilmember Larry E. Reid's Priority Project Funds To Oakland Parents Literacy Project For Operating Expenses
[07-0617](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

10.7-CC Subject: Sale Of Real Property - 4201 Foothill Boulevard
From: Community and Economic Development Agency
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Authorizing
The City Administrator To Negotiate And Execute A Purchase And Sale Agreement To Sell
Approximately 8,704 Square Feet Of City-Owned Surplus Real Property Located At 4201
Foothill Boulevard To Singa Development LLC, A California Limited Liability Company, The
Adjoining Property Owner, For The Fair Market Value Of Three Hundred Twenty-One
Thousand Nine Hundred Sixty-One Dollars (\$321,961)
[07-0540](#)

This Matter was Approved for Final Passage on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Brunner, Councilmember
Quan, President of the Council De La Fuente, Councilmember Brooks and
Councilmember Reid

10.8-CC Subject: Friendly Transportation Company - Land Agreements
From: Community and Economic Development Agency
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Authorizing
The City Administrator To Negotiate And Execute 1) An Agreement To Acquire An Easement
On A Portion Of A Parcel Of Land From Friendly Transportation Company To Construct A
Section Of Bay Trail Along The Oakland Tidal Canal At Alameda Avenue For \$30,000 Plus
Customary Closing Costs To Be Funded From Measure DD, And 2) A Right Of First Refusal
For Friendly Transportation Company To Purchase Future Surplus City Land, If Any,
Remaining From The Proposed 42nd Ave. And High Street Widening Project, Extending From
8th Street To Howard Street, At Fair Market Value, Subject To Applicable State And City
Statutes
[07-0541](#)

This Matter was Approved for Final Passage on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Brunner, Councilmember
Quan, President of the Council De La Fuente, Councilmember Brooks and
Councilmember Reid

10.9-CC Subject: Purchase Of Real Property - 1718 50th Avenue
From: Community and Economic Development Agency
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Authorizing The Purchase Of Real Property At 1718 50th Avenue, Oakland (APN 035-2386-019)) From Dierdre Veals, For \$309,000, Plus Customary Real Estate Closing Costs, For Redevelopment As Fire Station 18 And Accepting A Contribution Of \$309,000, Plus Customary Real Estate Closing Costs, From The Redevelopment Agency Under The Cooperation Agreement For The Purchase Of The Property; And
[07-0539](#)

This Matter was Approved for Final Passage on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

10.10-CC Subject: Wood Street Development District Formation
From: Budget Office
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Levying Special Taxes Within The Community Facilities District No. 2007-1 (Wood Street Development District)
[07-0500-3](#)

This Matter was Approved for Final Passage on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

10.11-CC Subject: Vehicle Sideshow Ordinance Repeal
From: Office of the City Attorney
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Repealing Ordinance No. 12695 C.M.S. Which Declared Vehicle Sideshows A Public Nuisance, Prohibited The Gathering Of Spectators At Such Public Nuisance Events And Provided For The Forfeiture Of Vehicles Involved In Sideshow Events
[07-0556](#)

This Matter was Approved for Final Passage on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

10.12 Subject: Smoking Ordinance
From: Office of the City Administrator
Recommendation: Approve The Final Passage (Second Reading) Of An Ordinance Amending Oakland Municipal Code Chapter 8.30, "Smoking", To Prohibit Smoking At Bus Stops And Other Areas Where The Public Waits For Service, At Outdoor Dining Areas, Public Trails, Parks And Golf Courses, Family Childcare Centers, Common Areas In Multi-Unit Housing, Hotels, And Motels, And The Oakland International Airport; Restrict Smoking Outside Bars; And Prohibit Smoking In Individual Units In New Multi-Unit Residential Buildings; Require New Rental Agreements To Disclose Nonsmoking Prohibitions; Deem Unconsented Exposure To Second Hand Smoke In All Multi-Unit Housing A Nuisance And Trespass
[07-0237](#)

**Withdrawn and Rescheduled to Concurrent Meeting of the Oakland
Redevelopment Agency / City Council on 10/16/2007
as a non-consent item**

10.13-CC Subject: Port Of Oakland - Conflict Of Interest Code
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Approving A Conflict Of Interest Code For Designated Employees Of The Port Of Oakland
[07-0531](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

10.14-CC Subject: Andrew R. Brown - Settlement Agreement
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Andrew R. Brown In The Amount Of Six Hundred Forty Three Thousand Five Hundred Dollars And No Cents (\$643,500.00), As A Result Of Property Damage Sustained Due To A Sewer Flood Caused By A Failed City Sewer Main On December 8, 2006. (Public Works Agency)
[07-0530](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

*The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa*

10.15 Subject: High Speed Rail Alignment
 From: Council President De La Fuente & Mayor Ronald Dellums
 Recommendation: Adopt A Resolution Urging The Metropolitan Transportation Commission,
 The California High-Speed Rail Authority, The State Legislature And The Governor Of
 California To Implement And Fund The Regional Rail Plan In Accordance With Regional
 Measure 2 With A High Speed Rail Alignment Through The East Bay And Oakland With A
 Direct Link To The Transbay Terminal
[07-0578](#)

**Withdrawn and Rescheduled to Concurrent Meeting of the Oakland
Redevelopment Agency / City Council on 10/16/2007**

The following individual(s) spoke and indicated a neutral position on this item:

- Steve Lowe
- Monso Nitoto

10.16-CC Subject: Priority Project Funds - District Seven
 From: Councilmember Larry Reid
 Recommendation: Adopt A Resolution Authorizing An Immediate Grant Of \$5,000.00 From
 Councilmember Larry E. Reid's Priority Project Funds To The Oakland Black Cowboy
 Association For Expenses For The 33rd Annual Black Cowboy Parade
[07-0647](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Brunner, Councilmember
Quan, President of the Council De La Fuente, Councilmember Brooks and
Councilmember Reid

10.17-CC Subject: Tract 7753 Final Map - 2130 Mountain Boulevard
 From: Community and Economic Development Agency
 Recommendation: Adopt A Resolution Conditionally Approving A Final Map For Tract 7753
 To Convert Twenty Rental Housing Units To Condominium Ownership At 2130 Mountain
 Boulevard
[07-0644](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Brunner, Councilmember
Quan, President of the Council De La Fuente, Councilmember Brooks and
Councilmember Reid

10.18-CC Subject: Ratification Of The Mayor's Actions During 2007 Recess
From: Office of the City Clerk
Recommendation: Adopt A Resolution Ratifying Action Taken By The Mayor During The
Oakland City Council 2007 Annual Recess In Conformance With Resolution No. 79006
C.M.S., Dated January 4, 2005
[07-0657](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa

10.19-CC Subject: East Bay Regional Park District - Real Property Exchange Agreement
From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance Authorizing The City Administrator To (1) Negotiate And Execute A Real Property Exchange Agreement With The East Bay Regional Park District ("EBRPD") For The Exchange Of City Of Oakland Owned Lands Located Near Roberts Regional Recreation Area, Redwood Regional Park, Temescal Regional Area, And The Claremont Canyon Regional Preserve, For EBRPD Owned Lands Located In Shepard Canyon, And (2) Grant A West Ridge Trail Easement And A Redwood Bowl Parking Lot Easement To EBRPD In Consideration Of Its Payment Of The City's Share (\$15,000) Of The Cost To Prepare The Legal Descriptions Of The Properties To Be Exchange
[07-0542](#)

This Matter was Approved for Final Passage on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

S-10.20-C Subject: Mitchell-Chavez - Settlement Agreement
C From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Mitchell-Chavez V. City Of Oakland, Alameda County Superior Court Case No. RG05248338, Our File No. 24802 In The Amount Of \$15,000 (Public Works Agency) As A Result Of A Trip And Fall Accident In The Vicinity Of College Ave. And Lawton St., Oakland, On January 12, 2005
[07-0673](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

S-10.21-C Subject: Analysis Of Senate Constitutional Amendment 12
C From: Council President De La Fuente
Recommendation: An Urgency Request For Public Works Agency To Prepare An Analysis
And Recommendation Regarding SCA 12 (Torlakson And Yee) Senate Constitutional
Amendment No. 12 Related To Stormwater Fees
[07-0669](#)

This Matter was *Received and Filed on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Brunner, Councilmember
Quan, President of the Council De La Fuente, Councilmember Brooks and
Councilmember Reid

S-10.22 Subject: Analysis Of Senate Bill 3XX And Senate Bill 4XX
From: Council President De La Fuente
Recommendation: An Urgency Request For Public Works Agency To Prepare An Analysis
And Recommendation Regarding SB 3XX (Codgill And Ackerman) Water Supply Reliability
Bond Act Of 2008 And SB 4XX (Codgill) Water Resources; Bond Funds
[07-0670](#)

***Withdrawn with No New Date**

S-10.23-C Subject: Revocable And Conditional Permit - 901 Jefferson Street
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting 901 Jefferson Housing LLC A Revocable
And Conditional Permit To Allow A Vault And Electrical Transformer For A Building At 901
Jefferson Street To Encroach Under The Public Sidewalk Along 9th Street
[07-0592](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Brunner, Councilmember
Quan, President of the Council De La Fuente, Councilmember Brooks and
Councilmember Reid

S-10.24-C Subject: Family Bridges Operation Contract
C From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A
Two-Year Grant Agreement With Family Bridges, Inc. To Fund Its Programs And Operations
At The Hong Lok Senior Center For Fiscal Years 2007-2008 And 2008-2009 In An Amount
Not To Exceed \$200,000
[07-0520](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember
Chang, Councilmember Nadel, Councilmember Brunner, Councilmember
Quan, President of the Council De La Fuente, Councilmember Brooks and
Councilmember Reid

S-10.25-C Subject: Unity Council Operation Contract
C From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Two-Year Grant Agreement With The Unity Council, Inc. To Fund Its Programs And Operations At The Fruitvale San Antonio Senior Center For Fiscal Years 2007-2008 And 2008-2009 In An Amount Not To Exceed \$440,000
[07-0521](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid
The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa

S-10.26-C Subject: 2007-2008 Second Start Adult Literacy Program
C From: Oakland Public Library
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept, And Appropriate A Grant In The Amount Of \$72,000 From The California State Library California Library Literacy Service To Support The Oakland Public Library Second Start Adult Literacy Program For Fiscal Year 2007-2008
[07-0598](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

S-10.27-C Subject: Library Forgiveness Campaign
C From: Oakland Public Library
Recommendation: Adopt A Resolution Authorizing The City Of Oakland To Adopt A "Forgiveness Campaign" That Targets Youth And Families With Long Outstanding Fines And Fees During The Weeks Of November 24 - December 14, 2007 (TITLE CHANGE)
[07-0599](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid
The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa

S-10.28-C Subject: Dog Ordinance Amendment
C From: Councilmember Jean Quan
Recommendation: Adopt The Following Pieces Of Legislation:

1) Adopt A Resolution Approving The Naming Of A New Trail The "Montclair Railroad Trail" In Assessor Parcels 048E-7348-28-02, 048E-7348-67-00, 048E-7349-32-00, 048E-7350-10-00, 048F-7355-19-00 And 048F-7366-21-02 That Are Included In The Resolution "Exchange With East Bay Regional Parks District" To Be Presented To City Council On September 18, 2007
[07-0619](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

2) Approve The Introduction (First Reading) Of An Ordinance Changing Oakland Municipal Code Title 6, Chapter 6.04 Section 6.04.080 Dogs At Large And In Parks, To Allow Dogs On The Montclair Railroad Trail (TITLE CHANGE)
[07-0619-1](#)

A motion was made that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on October 16, 2007 approved the September 17, 2007 Life Enrichment Committee's recommendations to move forward to the full council Section 6.04.080 as proposed.

The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brunner
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

S-10.29-C Subject: Oakland Police Department - Juvenile Desk Report
C From: Councilmembers Jane Brunner and Patricia Kernighan
Recommendation: Action On A Report And Recommendation On The Oakland Police Department's Juvenile Desk, Including But Not Limited To Updates On (1) Staffing Levels And Cooperation With Social Service Agencies On Referring Juvenile Offenders To Measure Y And Other Intervention Services And On Following Cases Through The Juvenile Justice System; And On (2) Opportunities For Safe Passages To Coordinate Follow-Up Services And Tracking Outcomes For Individual Juveniles With Agencies Including The Alameda County Probation Department, District Attorney's Office, Measure Y Programs, And Oakland Unified School District
[07-0504](#)

This Matter was *Received and Filed on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

S-10.30-C Subject: Managed Health Network - Professional Services Agreement
C From: Oakland Police Department
Recommendation: Adopt A Resolution Waiving The Request For Proposal Process For Psychological Counseling Services For Sworn Members Of The Police Department And Their Dependents, And Authorizing The City Administrator To Extend The Professional Services Agreement With Managed Health Network (MHN) To Provide The Psychological Counseling Services For Sworn Members Of The Police Department And Their Dependents, For The Period Of July 1, 2006 Through December 31, 2007, In An Amount Not To Exceed One Hundred Five Thousand Dollars (\$105,000.00) For A Total Contract Amount Not To Exceed One Hundred Seventy-One Thousand One Hundred Seventy-Four Dollars (\$171,174.00)
[07-0524](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

S-10.31-C Subject: 2007 Forensic Casework Backlog Reduction Program
C From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed One Hundred Forty-Five Thousand Five Hundred And Forty-Seven Dollars (\$145,547) From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ) For Implementation Of The 2007 Forensic Casework DNA Backlog Reduction Grant Program In The Police Department
[07-0595](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

*The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa*

S-10.32-C Subject: 2007 Cold Cases Grant Program
C From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Two Hundred And Seventy-Three Thousand Eight Hundred And Seventy Dollars (\$273,870) From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ) For Implementation Of The Fiscal Year 2007 Solving Cold Cases With DNA Grant Program In The Police Department
[07-0596](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

S-10.33-C Subject: Project First-Substance Abuse Prevention
C From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed One Million Dollars (\$1,000,000) From The U.S. Department Of Justice, Office Of Juvenile Justice And Delinquency Prevention, Fiscal Year 2007 Substance Abuse Prevention And Intervention Program, And Authorizing A Waiver Of The Request For Proposal Process For A Contract For Service In An Amount Not To Exceed Eight Hundred And Eighty Thousand Dollars (\$880,000) With Safe Passages For Implementation Of Project First-Substance Abuse Prevention, For The Period October 1, 2007 Through September 30, 2011, And Appropriate Said Funds To The Police Department
[07-0602](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

S-10.34-C Subject: Edward Byrne Memorial Grant Program
C From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Eight Hundred And Twenty-One Thousand Two Hundred Dollars (\$821,200) From The U.S. Department Of Justice, Office Of Justice Programs, Bureau Of Justice Assistance, Edward Byrne Memorial (BYRNE) Discretionary Grants Program To Supplement Frontline And Other Policing Services On Behalf Of The Police Department
[07-0605](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

S-10.35-C Subject: Edward Byrne Memorial Justice Assistance Grant Program
C From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Five Hundred And Thirty-Nine Thousand Nine Hundred And Seventy-Four Dollars (\$539,974) From The U.S. Department Of Justice, Office Of Justice Programs, Bureau Of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Program To Supplement Frontline Policing Services, And Authorizing A Waiver Of The Request For Proposal Process For A Contract For Service In An Amount Not To Exceed Eighty Thousand Dollars (\$80,000) With The Oakland Police Activities League For Implementation Of The Oakland Midnight Basketball Program, And Appropriate Said Funds To The Police Department
[07-0606](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

Passed The Consent Agenda

A motion was made by Councilmember Reid, seconded by Councilmember Chang, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

11 An oral report from the Agency Counsel / City Attorney of final decisions made during Closed Session

No Action Taken

There were no final actions taken during closed session.

12 A disclosure of non-confidential Closed Session Discussion pursuant to Section 15 of the Sunshine Ordinance

A motion was made by Councilmember Reid, seconded by Councilmember Chang, to *Approve as Submitted the report of no non-confidential Closed Session discussion pursuant to Section 15 of the Sunshine Ordinance. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

COMMENCING AT 7:00 P.M. OR AS SOON AS REASONABLY PRACTICAL

THEREAFTER:

13 Reconsideration of Ordinances pursuant to Charter Section 216

There was no action necessary for this item.

Agency/Councilmember Quan made a motion seconded by Agency/Councilmember Nadel to approve an urgency finding pursuant to Section 2.20.080 E(2) regarding an Item to be presented on the floor regarding Senate Bill 3XX and 4XX, that there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action relates to federal or state legislation.

Subect: Senate Bills 1XX And 2XX

From: Legislative Analyst

Recommendation: Approve Support Of Senate Bills 1XX And 2XX Introduced By Senators Perata, Machado, and Steinberg, Regarding Water Supply Reliability Bond Act Of 2008; Bond Funds

[07-0670-1](#)

A motion was made by Councilmember Quan, seconded by Councilmember Nadel, that this matter be Approved with additional conveyance that the City further supports the requirements of the executive order of the Governor that requires 25% of all bond funding relative to the contracts for infrastructure bonds go to small businesses. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

The following individual(s) spoke on this item:

-Gene Hazzare

-Ed Dillard

14. Consideration of items with statutory Public Hearing Requirements:

14.1 Subject: Appeal For 1727 East 24th Street
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing and Upon Conclusion Adopt A Resolution Denying The Appeal And Sustaining The Decision Of The Planning Commission For Construction Of A Four (4) Unit Condominium In The R-50 Zone With A Two (2) Foot Height Variance Located At 1727 E 24th Street (Case File Number(s) A07-103; CMDV05-507; & TPM8859
[07-0208](#)

A motion was made by Councilmember Reid, seconded by President of the Council De La Fuente, that this matter be Adopted as Amended. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brooks
ORA\Councilmember Noes: 2 - Councilmember Kernighan and Councilmember Nadel
ORA\Councilmember Ayes: 5 - Councilmember Chang, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente and Councilmember Reid

Upon the reading of Item 14.1 by the City Clerk, the Public Hearing was opened at 7:37 p.m.

The following individual(s) spoke on this item:

- Robert Klinger
- Elise Evans
- Marliyn Clark
- Mary Becker
- Todd Smith
- Nancy Gee
- Michael Clancy
- Robert Lieberman
- Dave Miller

Agency/Councilmember Reid made a motion, seconded by Agency/Councilmember Chang, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Kernighan, Nadel, Reid, Quan, and President of the Council De La Fuente -8

The following Agency/Councilmember Kernighan made a substitute motion, seconded by Agency/Councilmember Nadel, to adopt the resolution on Item 14.1 amended, to deny the appeal and uphold the project with the following conditions of approval;

- 1) requiring a 25% reduction in the size of the project, from 4 units to 3 units;
- 2) changing the optional use of the garage as the 3/4th bedroom;
- 3) removing the stairwell from the garage;

4) allowing the 2 foot variance; and
5) going forward with the requirement of an administrative review for final approval meeting the above conditions, and upon call of the roll, the motion failed by Ayes: Agency/Councilmember: Kernighan, Nadel, Quan - 3; Noes: Brunner, Chang, Reid, De La Fuente-4; Abstain - Brooks-1

As the substitute motion failed, council returned consideration of the original motion.

Agency/Councilmember Reid made a motion, seconded by Agency/Councilmember De La Fuente, to adopt the resolution on the ORIGINAL motion on Item 14.1 and upon call of the roll, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Reid, Quan, and President of the Council De La Fuente - 5; Noes: Kernighan, Nadel -2; Abstain: Brooks -1

ACTION ON NON-CONSENT ITEMS:

15 Subject: McKillop Roadway - Landslide Damage
 From: Public Works Agency
 Recommendation: Adopt A Resolution Renewing And Continuing The Local Emergency Due To Landslide Damage To McKillop Roadway First Proclaimed By the City Of Oakland On October 17, 2006
 [07-0636](#)

A motion was made that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

16 Subject: San Jose Management, LLC - Agreement Approval
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution (1) Approving The Agreement As Directed By Agency Resolution No. 2007-0036 C.M.S., Which Authorized The Agency To Negotiate A Three-Year Agreement With San Jose Arena Management, LLC To Manage And Operate The Oakland Ice Center For A Percentage Of Net Revenue, Pursuant To Specific Criteria, And (2) Extending The Term Of The Agreement By Two Months For A Total Of Three Years And Two Months
[07-0589](#)

A motion was made by Councilmember Quan, seconded by President of the Council De La Fuente, that this matter be Adopted with the following amendments to the Management Agreement referenced as Attachment B to the staff report; 1) on Page 5, Section 5.11, striking sentence from the bottom of the paragraph: "until a reasonable time after.." and replacing it with and "the Agency has agreed to said repairs..."; 2) Section 5.12 e, adding before the first whole sentence at the top of page 7, "Any additional expenditures for gap improvements are subject to approval of the agency board."; 3) Page 1 of Exhibit A if the Management Agreement, under Section 2.1 Charges and Fees, adding the words "any time" such that the increases are approved ty by the City; 4) Page 8 of Exhibit A of the Management Agreement under Sectin 7.6, striking "endeavor" and replacing it with "shall" regarding the requirement to have an advisory committee.

The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 2 - Councilmember Brooks and Councilmember Reid
ORA\Councilmember Ayes: 6 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan and President of the Council De La Fuente

The following individual(s) spoke on this item:

- Darisa Watson
- Dennette Bjorklurd
- Robert Burrows
- Dennis Franklin
- Pat Peterson
- Kay Anderson
- Jenna Stauffer
- Thomas Colemann
- Matthew Thomas
- Carol Mirenda
- Laurie Fong
- Rick Quan
- Marilyn Clark
- Keith Vaulman

- Marjorie Taylor
- Melissa Fitzgerald
- Don Gralnek
- Sanjiv Handa

17

A motion was moved, seconded and carried to extend the meeting past 10:30pm
Subject: Children's Fairyland Board Of Directors
From: Office of the City Attorney
Recommendation: Action On A Request Of Children's Fairyland, Inc., For Amendment To City
Conflict Of Interest Code
[07-0649](#)

A motion was made by Councilmember Quan, seconded by Councilmember Brunner, that this matter be Approve as Amended with direction to the City Attorney to review whether Fairyland should be placed within the City's Conflict of Interest Code and if Fairyland is required to be included in the Code, then return with that determination and recommendations for an appropriate disclosure category or a recommendation to remove Fairyland from the Conflict of Interest code, in 2 weeks. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

18 Subject: Board Of Port Commissioners Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Appointing Victor Uno As A Member Of The Board Of
Port Commissioners
[07-0488](#)

A motion was made, seconded by Councilmember Brunner, to Adopted as Bifurcated to reflect the roll call votes for each appointee to the Board of Port Commissioners. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid
Agency/Councilmember Nadel made a motion, seconded by Agency/Councilmember Brunner, to approve the appointment of Margaret Gordon to the Board of Port Commissioners on Item 18, and upon call of the roll, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Kernighan, Nadel, Reid, Quan, and President of the Council De La Fuente -7; No: Brooks -1

Agency/Councilmember Nadel made a motion, seconded by Agency/Councilmember Brunner, to approve the appointment of Victor Uno to the Board of Port Commissioners on item 18, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Kernighan, Nadel, Reid, Quan, and President of the Council De La Fuente -8

S-19 Subject: Traffic Signal Priority List
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Approving The Traffic Signal Priority List For The Top Ten (10) Intersections Citywide, Pursuant To City Council Resolution No. 78747 C.M.S.
[07-0591](#)

A motion was made by Councilmember Brunner, seconded by Councilmember Chang, that this matter be Adopted as Amended to strike the last two "Whereas" and the "Resolved" of the resolution, also striking "Further" from the final Resolved, approving the top four traffic signals and top two pedestrian signals, with direction to staff to return with a clear criteria that provides traffic lights at high traffic areas and include the Oakland Police Department's ability to report more recent information than the California Highway Patrol's data to allow council to make informed decisions about traffic light priorities. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, President of the Council De La Fuente, Councilmember Brooks and Councilmember Reid

S-20 Subject: Rent Adjustment Program
 From: Community and Economic Development Agency
 Recommendation: Approve The Introduction (First Reading) Of An Ordinance Amending
 Ordinance No. 12744 C.M.S. (Master Fee Schedule) To Increase The \$24 Rent Program
 Service Fee By \$6 To \$30
 [07-0590](#)

A motion was made by Councilmember Brunner, seconded by Councilmember Nadel, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Noes: 1 - President of the Council De La Fuente
ORA\Councilmember Ayes: 7 - Councilmember Kernighan, Councilmember Chang, Councilmember Nadel, Councilmember Brunner, Councilmember Quan, Councilmember Brooks and Councilmember Reid

Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

(Meeting shall conclude no later than 10:30 p.m., unless extended by Majority Vote of the Council)

There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting in memory of Willie D. Tatmon III, Jane Jackson, Edwin Thomas, Sr., John Bruno Freeman, Mary Lucille Jasper at 12:05 a.m.

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City Clerk and Clerk of the Council